

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 12 / 23 / 15

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor:

Additional Requestor:

Additional Requestor:

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Per the quarterly reporting schedule developed by the Tribal Secretary's Office, the LOC is submitting to the OBC a quarterly report for the period of July 2015 to September 2015.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

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Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

Quarterly Report Legislative Operating Committee July - September 2015

1. Purpose and Mission

The purpose and mission of the Legislative Operating Committee (LOC) is to enhance the policymaking capability of the Oneida Business Committee (OBC) and the General Tribal Council (GTC) by drafting laws and policies and reviewing past and current laws, policies and regulations of the Oneida Tribe.

A legislative analysis is completed for proposed laws, policies, regulations, bylaws and amendments. Public meetings are facilitated by the LOC in accordance with the Legislative Procedures Act (LPA). A Resolution and Statement of Effect are prepared for all legislation that is presented for final adoption which is submitted to the OBC and/or GTC for approval.

2. Members

The LOC is comprised of the five council members of the OBC: Brandon Stevens (Chair), Tehassi Hill (Vice-Chair), Jennifer Webster, Fawn Billie, and David P. Jordan.

3. Contact Information

The LOC office is located on the second floor in the Norbert Hill Center. For more information, please contact the Legislative Reference Office (LRO) at (920) 869-4376 or e-mail LOC@oneidanation.org.

4. Meetings

The LOC holds regular meetings on the first and third Wednesday of every month. The meetings begin at 9:00 a.m., and are held in the Norbert Hill Center - Second Floor, Business Committee Conference Room.

5. Prioritization

The LOC continuously reviews the proposals on our Active Files List (AFL). Priorities are identified based on GTC Directive, OBC Directive and by LOC agreement/consensus.

6. Summary

During this reporting period (July, August, and September 2015), the LOC:

- Added 11 legislative items to the Active Files List (AFL), declined a request to add one item to the AFL; and completed processing one legislative item; bringing the total number of legislative items on the AFL to 48, as of October 1, 2015.
- Completed processing emergency amendments to one Tribal law and an extension of emergency amendments to one Tribal law.
- Added one administrative item (a GTC petition) to the Active Files List and completed processing legislative analyses for two GTC petitions; bringing the total number of legislative analyses prepared for GTC petitions this term to 14.
- Completed two additional administrative items.
- Held one Public Meeting.

Legislative Items Added to the Active Files List

Of the eleven items added to the AFL during the reporting period, eight are proposals to amend existing Tribal laws, and three are proposals for new Tribal laws:

1. **New Law: Compliance and Enforcement.** This is a proposal for a new Tribal law that would establish a centralized entity responsible for:
 - overseeing compliance with Tribal laws,
 - reviewing existing legislation and presenting recommendations for new laws or amendments to existing laws to the LOC, and
 - tracking OBC and GTC directives and regularly reporting on the progress of those directives, so that responsible parties can be identified and held accountable. *Added to the Active Files List on 8/19/15.*
2. **New Law: Secured Transactions.** This is a proposal for a new law to assert the Tribe's sovereign status by establishing a Tribal office for recording security interests in collateral. The Law also establishes regulations which identify a creditor's priority in collateral, and governs the disposition of collateral to satisfy creditors. *Added to the Active Files List on 8/19/15.*
3. **New Law: Business Committee Meetings.** This is a proposal for a new law to govern the structure of OBC meetings and establish an efficient process for conducting Tribal business. *Added to the Active Files List on 9/2/15.*
4. **Amendments: Public Use of Tribal Land.** Proposed amendments to the Law enable the Environmental Resource Board to prescribe permissible and prohibited uses for Tribal lands designated as Oneida Community Access, Oneida Tribal Member Access or Open Access, and which would allow for enforcement of such uses. *Added to the Active Files List on 7/1/15.*
5. **Amendments: Community Support Fund Policy.** This item was brought forward to reconcile the Policy with language found in BC Resolution 12-11-13-D - clarifying that someone who receives assistance from the Fund program does not have to cost share if they are at or below the federal Poverty Guidelines. *Added to the Active Files List on 7/1/15.*
6. **Amendments: Per Capita Law.** The Trust Department has requested revisions to several provisions of the law, including changes that would modify the frequency of form requirements and in elder distributions, and incorporate fees for stop payments and closed bank accounts. *Added to the Active Files List on 7/15/15.*
7. **Amendments: Oneida Rules of Civil Procedure.** This is a request to amend the Rules of Civil Procedure to remove the filing fee requirement when it is a Tribal entity filing and modify the requirements of service for Tribal entities. *Added to the Active Files List on 7/15/15.*
8. **Amendments: Cemetery Law.** This request for amendments was brought to the LOC by the Oneida Law Office. Amendments were requested to correct the name of the Cemetery, which was changed by resolution of the Oneida Land Commission on May 11, 2015. Additional

revisions may also be necessary to change who is responsible for the cemetery's maintenance. *Added to the Active Files List on 8/5/15.*

9. **Amendments: Garnishment Law.** The Judiciary requested amendments to the Ordinance which would allow the Judiciary to include interest when a garnishment is ordered; because some creditors have been requesting awards of interest on judgments, but the Judiciary has been denying those requests because the ordinance is silent. *Added to the Active Files List on 8/5/15.*
10. **Amendments: Domestic Animals Ordinance.** This request has been submitted to protect community members from disease, set minimum standards for treatment of animals, prohibit certain animals from being brought on the Reservation, regulate livestock, and establish consequences for damages caused by domestic animals. *Added to the Active Files List on 9/16/15.*
11. **Amendments: Legislative Procedures Act.** Changes have been requested to ensure the LPA is consistent with the Legislative Reference Office's Standard Operating Procedures for drafting legislation, and to establish requirements related to how tribal policies are created and amended. *Added to the Active Files List on 9/16/15.*

Legislative Items the LOC Declined to Add to the Active Files List

On July 15, 2015, the LOC declined a request from the Finance Department to make emergency amendments to the Per Capita Law that would change deadlines so that the 2015 per capita distributions could be attached by Tribal entities.

Legislative Items Completed

One legislative item was completed during this reporting period and removed from the Active Files List - Permanent amendments to the **Oneida Nation Gaming Ordinance** were adopted by the OBC on September 9, 2015, pending approval from the National Indian Gaming Commission.

Emergency Actions

During this quarter, the OBC adopted the following on an emergency basis:

- **Emergency amendments to the Public Use of Tribal Land Law** were adopted by the OBC on July 8, 2015. The amendments enable the Environmental Resource Board to prescribe permissible and prohibited uses for Tribal lands designated as Oneida Community Access, Oneida Tribal Member Access or Open Access; and allow for enforcement of such uses. The amendments were adopted on an emergency basis so that they could be in effect while the LOC processes the amendments for permanent adoption.
- **Administrative Procedures Act (APA) Emergency Amendments Extension.** With the adoption of the Judiciary Law, the APA was set to be repealed as of March 1, 2015. If repealed at that time, it would have left various Tribal hearing bodies without any rules to govern hearings. On February 25, 2015, a revised APA was adopted on an emergency basis to address that issue. During this reporting period, on August 26, 2015, the OBC adopted a resolution extending extended the emergency amendments for up to an additional six months.

In addition to these two items, amendments to one other Law are currently in effect on an emergency basis: on June 28, 2015, the OBC adopted emergency amendments to the Election Law after the Nation's voters passed five amendments to the Oneida Tribal Constitution; including one amendment which lowered the voting age to 18. The Election Law was amended on an emergency basis to reflect the lowered voting age before an upcoming election.

Added/Processed Administrative Items

GTC Petitions. During this quarter, one new GTC petition was deferred to the LOC for legislative analysis; and legislative analyses for two GTC petitions were completed and accepted by the OBC.

- On July 1, 2015, the LOC added **Petition: Powless Per Capita Payments** to the Active Files List. On August 17, 2015, the OBC accepted the legislative analysis prepared for this item.
- On August 19, 2015, the OBC accepted the Statements of Effect for **Petition: Cornelius 4 Resolutions**. This item was added to the Active Files List during the previous quarter.

Other Administrative Tasks.

- A comprehensive research memorandum was prepared regarding **Petition: Constitution Amendments** (in regards to Membership to the OBC). This research memorandum was submitted to the OBC on August 5, 2015.
- On August 5, 2015, the LOC forwarded a **Tribal Hearing Bodies/Administrative Court Action Plan** to the OBC for consideration. On September 16, 2015, the LOC also forwarded an update on this item to the OBC with an updated chart.

Public Meetings

The LOC held one Public Meeting during the reporting period - on July 30, 2015, for the proposed amendments to the Oneida Nation Gaming Ordinance.

Person responsible for this report and contact information: Brandon Stevens, Legislative Operating Committee Chair. Phone: (920) 869-4378.